



NYSAC  
NEW YORK STATE  
ASSOCIATION OF COUNTIES

2017

# Budget Priority

## DISTRICT ATTORNEY SALARIES

### PROBLEM

State law has created a uniform District Attorney (DA) salary raise and yet the state allocates no funding to counties for this mandated cost increase. On April 1, 2016 the State Legislature approved the salary raises recommended by the New York State Commission on Legislative, Judicial, and Executive Compensation. This approval increased all state judge salaries in 2016, 2017, and 2018.

State Judicial Law 183-a links judicial salaries with county district attorneys' (DA's) salaries, requiring DA's salaries to be equal to or higher than either the County Court Judge or Supreme Court Judge in a county, depending on full or part-time status.

For over 50 years, since the state first required a raise in salaries for District Attorneys (who are county officials), the state has funded the increased costs. To not make counties whole on these costs is not only unprecedented, it breaches a fundamental issue of fairness. The raise costs each county approximately \$30,000 in funds annually, which is approximately 1/3 of some counties' total allowable property tax cap growth for *all government operations*.

### 2017 EXECUTIVE BUDGET PROPOSAL

For the second consecutive year, the Governor's Budget omits language requiring the state to pay the costs of a mandated district attorney pay increase.

### 2017 LEGISLATIVE BUDGET PROPOSALS

*The Senate's Budget* adds the \$1.6 million to cover the District Attorney salary increase, reimbursing counties for a total of \$5,812,000. *The Assembly's Budget* supports the Governor's proposal with reimbursement levels at \$ 4,212,000, thereby omitting this year's \$1.6 million increase to counties.

### COUNTY SOLUTION

County officials perform many essential public functions of state and local concern. Perhaps no county service is more essential than ensuring law and order in our communities, which is upheld by our local prosecutors. DAs are entitled to the fair and just compensation pursuant to law for fulfilling the state constitutional and statutory duties related to the enforcement of the State Penal Law. However, any state mandated increase to a local government official's salary, as a matter of equity and fairness, must be met by the State.

While it is unfortunate that the projected \$1.6 million cost per year for DA salary increases was not included in the Governor's over \$160+ billion budget, it is not too late to correct this oversight. The \$1.6 million may seem miniscule, but it is a significant portion of a county's allowable tax growth under the state-imposed property tax cap.